

TOWN OF CHATHAM
488 State Route 295, Chatham, NY 12037

Town Board Workshop Minutes

Thursday, November 2, 2023 @ 6:30PM

This Meeting is IN PERSON (Town Hall) For Board Members With the Exception of the Occurrence of Extraordinary Circumstances,

IN PERSON and VIRTUAL for the Public

GOOGLE MEET: meet.google.com/qqk-drha-pct **JOIN BY PHONE:** (US)+1 508-779-6056 PIN: 912 586 055#

- **RECORDING NOTICE**

PRESENT

Supervisor Donal Collins, Councilmembers Vance Pitkin, Abi Mesick, Destiny Hallenbeck, Rick Werwaiss, Hwy. Sup. James Fetzer, CAATS Tammy Shaw, Town Clerk Beth Anne Rippel

- Supervisor Collins called the meeting to order and led the pledge of allegiance to the flag.

- **ANNOUNCEMENTS:**

1. Road Grader #1 has arrived
Everyone cheered!
2. CC DOH-final rabies clinic Saturday 2-4 at MHG in Valatie.
3. Prop 3 edification of the public in 2 virtual sessions being held today.

- **PUBLIC COMMENT**

None

- **OPEN PUBLIC HEARING: For the Purpose of accepting public comment on the 2024 Preliminary Budget, Fire Companies and Chatham & Valatie Rescue Squad Contracts**

1. **GUIDELINES FOR PROVIDING COMMENTS AT PUBLIC HEARINGS**

-The order of speakers will be chosen randomly, each speaker is allowed 3 minutes

- Speakers may not cede their speaking time to others
- Speakers are not to read from letters that they have already submitted and which are attached to the agenda

2. READING OF PUBLIC HEARING NOTICE:

TOWN OF CHATHAM
Columbia County New York
NOTICE OF PUBLIC HEARING
2024 PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board of the Town of Chatham for the purpose of accepting public comment on the 2024 Preliminary Budget, Fire Companies and Chatham & Valatie Rescue Squads November 2, 2023 at 6:30 p.m.

IN PERSON at the Town Hall, 488 State Route 295, Chatham NY and VIRTUAL for the Public

GOOGLE MEET: meet.google.com/qk-drha-pct JOIN BY PHONE: (US)+1 508-779-6056 PIN: 912 586 055#

All persons interested in these matters will be heard at such time and place specified. The preliminary budget is available for inspection in the Town Clerk's office during regular business hours and on the website at chathamnewyork.us. Pursuant to Town Law the proposed salaries of the following offices are hereby specified:

Supervisor \$14,840.00
Councilmembers... 4 @\$4,800.00
Town Clerk/Tax Collector.... \$41,995.00
Highway Superintendent...\$72,000.00

By order of the Town Board
Dated: October 20, 2023
Beth Anne Rippel, Town Clerk

3. OPEN TO PUBLIC COMMENT

Bobseine-wanted to know where the public hearing notice was posted; she thought it had to be in the newspaper.

The Town Clerk replied that the public hearing notice was published in the Register Star.

4. MOTION TO CLOSE PUBLIC HEARING

MOTION was made by Hallenbeck to close the public hearing at 6:37PM seconded by Werwaiss. Motion carried.

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- **OPEN PUBLIC HEARING: For the Purpose of accepting public comment on Proposed Local Law: G: Short Term Rental**

1. **GUIDELINES FOR PROVIDING COMMENTS AT PUBLIC HEARINGS**

- The order of speakers will be chosen randomly, each speaker is allowed 3 minutes
- Speakers may not cede their speaking time to others
- Speakers are not to read from letters that they have already submitted and which are attached to the agenda

2. **READING OF PUBLIC HEARING NOTICE:**

TOWN OF CHATHAM
Columbia County New York
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the
Town Board of the Town of Chatham for the purpose of accepting public comment on Local
Law G, Short Term Rental Law.
November 2, 2023 at 6:35 p.m.

IN PERSON at the Town Hall, 488 State Route 295, Chatham NY and VIRTUAL for the
Public:

GOOGLE MEET: meet.google.com/qqk-drha-pct JOIN BY PHONE: (US)+1 508-779-
6056 PIN: 912 586 055#

Said Law is available for inspection in the Town Clerk's office during regular business hours
and on the website at chathamnewyork.us.

By order of the Town Board
Dated: October 20, 2023
Beth Anne Rippel, Town Clerk

3. **READING OF PROPOSED LAW #G of 2023:**

Local Law No. G of the year 2023

Be it enacted by the Town Board of the Town of Chatham as follows:

- I. Title: This Local Law shall be known as and may be cited as Local Law No.
G Short-Term Rental Law.
- II. Authorization: The adoption of this Local Law is authorized by NYS Town Law
§136.
- III. Legislative Intent and Purpose: The Town Board finds that it is in the interest of public
health, safety, and welfare to regulate through a permitting process the use of short-
term rental lodging facilities occurring within the Town of Chatham. The ability to
operate a Short-Term Rental (STR) in the Town of Chatham is a privilege, not a right.
In an effort to balance multiple ideas- the ability for law abiding property owners to
make a return on a home, to help balance the playing field for affordable housing, and
an opportunity for the Town, Village and surrounding areas the benefits of visitors -

The Town of Chatham may issue, limit, discontinue, suspend and or revoke STR permits.

- IV. Definitions: Below are definitions of terms utilized in this local law, as needed. If any definition herein shall be inconsistent with any other section of the Town Code and /or Zoning Law, the definition herein shall control.

Definitions:

Bed and Breakfast: An owner-occupied residential building also used for renting accommodations to transient, fee-paying guests, and providing not more than one meal daily to guests only. Not more than 10 rooms may be let.

Farm Operation: The definitions set forth at NYS Agriculture and Markets Law §301 are hereby adopted and shall be utilized herein.

Good Neighbor Statement: A Good Neighbor Statement is a leaflet created by the property owner that shall contain pertinent information that will help STR Visitors understand the house and property they are renting, the neighborhood they are in and relevant sections of the Chatham Town Code. Such a leaflet should include such things as the boundaries of the property, and reference to the Town Code on subjects such as noise, trash and parking. A template can be obtained at the Building Department.

Hotel: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

Lodging Facility: Any hotel, motel, inn, bed and breakfast, dwelling, dwelling unit or other establishment providing sleeping accommodations to visitors for compensation.

Motel: A building or group of buildings, whether attached or detached, containing for hire individual living and sleeping accommodations, each of which is considered a unit, each of which is provided with a separate exterior entrance and a parking space and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an "auto court," "motor hotel," "motor court," "motor inn," "motor lodge," "tourist court," "tourist cabins" or "roadside hotel."

Inn: A building or portion thereof kept, used, maintained, advertised or held out to the public, containing sleeping accommodations for guests, and providing meals and other incidental services to guests and the public.

Short-Term Rental (STR): The rental of a dwelling, dwelling unit or other establishment to a Visitor for less than thirty days. This definition specifically excludes hotels, motels, bed and breakfasts and inns.

Short-Term Rental Local Contact Person: A designated local resident who is the secondary contact person in the event of issues or complaints regarding the rental property when the property owners are unavailable. This person must live within twenty (20) miles of the Rental he/she represents.

Guest: A person visiting or residing in the Town of Chatham for less than thirty days.

Short-Term Rental Regulations:

A. No real property within the Town of Chatham shall be used or rented as a Short-Term Rental without an annual Permit issued by the Town of Chatham Code Enforcement Officer. Such Permit shall include, but is not limited to, the property owner's name, address, phone numbers, email address and the short-term rental local contact person's name, address, phone numbers, email address, supporting documentation such as a statements or sketches of floor plan(s) and parking plan, as well as the following:

1. An annual permit fee that shall be set by the Town Board and updated from time to time.
2. Permits issued for Short-Term Rentals shall be non-transferable and shall immediately expire upon any change of ownership of the premises.
3. Short-Term Rentals located outside of the Hamlet (H-1 and H-2) zones shall have a base occupancy of 8 guests unless there are more than four bedrooms.

For each additional bedroom up to two, there may be 2 additional guests per bedroom. Short Term Rentals located within the Hamlet (H-1 and H-2) zones are limited to a maximum of 6 guests.
 - a. Any advertisements for the STR shall include the maximum number of guests allowed in the rental.
4. A statement or depiction of how many guest bedrooms there are on each floor.
5. A sketch of the allowed parking on the premises.

6. Short Term Rentals shall be allowed in all zoning Districts of the Town as defined in the Town of Chatham Zoning Law subject to the provisions of this local law.

7. Every owner of a Short-Term Rental shall register for a permit within 120 days of the passage of this Short -Term Rental law and thereafter, renew it yearly.

8. Short -Term Rentals permits shall be limited to one (1) STR unit per property/property owner unless they are part of farm operation such as a Farm Stay program.

B. In the event of an occurrence which requires intervention by the Town Code Enforcement Officer or other official charged with enforcement of local laws within the Town, the owner of the Short-Term Rental shall receive the first contact, not the contact person. The owner is responsible for responding to any complaint or occurrence requiring action involving an STR in a timely manner. The owner is responsible for responding to the service of any legal process and all other notices. If the owner is not available or not able to take the required action in the appropriate time, the local contact person will then be responsible to respond to the Code Enforcement Officer. The Owner may designate the local contact as the initial point of contact by written notification to the Town Code Enforcement Officer.

C. All Short-Term Rental Owners must maintain a local contact person. The owner shall provide to the Town, at the time of Permit application and thereafter as necessary, current contact information for the local contact person, including the name, address, phone number(s), and email address. It shall be the responsibility of the owner to ensure that the Town always has the most current contact information for the designated local contact person.

1. The local contact person shall be available for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the Short- Term Rental when the owner cannot be reached. The local contact person must respond promptly to any such complaints.

2. The local contact person must reside within twenty (20) miles of the Short- Term Rental.

D. Noise shall not exceed the limits prescribed in the Town Code.

E. Off-Street Parking shall be in accordance with the Town Code and as specifically delineated in the Permit application and Permit.

F. Garbage must be stored in secure containers until such a time as it may be removed.

G. All Short-Term Rentals shall comply with the following fire and safety recommendations as applicable.

1. Smoke and carbon monoxide detectors must be installed and operational on every floor that guests use.

2. A minimum of one fully charged fire extinguisher must be available on each floor that guests use.

3. Short-Term Rentals must have a 911 emergency number clearly visible from the road.

4. Short-Term Rental owners shall provide emergency lights such as flashlights, an evacuation plan with marked exits and a list of emergency numbers.

H. A copy of the Permit with the owner's and local contact person's contact information shall be displayed in all STR's.

I. A "Good Neighbor Statement" shall be provided to each guest. The STR owner, local contact person or representative shall review this statement with guests to avoid trespassing on private property, opening agricultural gates, and possible violations of the Town Code such as noise, parking and littering.

J. Fines or penalties.

When applicable, permit violations, suspensions and revocations shall be imposed by the Town in accordance with those set forth in this law and applicable State or Federal laws.

1. Permit Violations. Failures such as not abiding by the Town Code, County, State or Federal laws, not providing current contact information for the owner and/or the local contact person, providing inaccurate information on the permit application, failure of the owner or local contact person to respond to outreach by Town Code Enforcement Officer or law enforcement officials in no greater than one hour, may result in a permit violation.

2. Permit Suspension. After two violations in a six-month period or three violations in a twelve-month period, the STR permit will be suspended for a year.
3. Permit Revocation. After two suspensions in the life of the permit, the STR permit will be permanently revoked.

K. Severability

If any clause, sentence, paragraph, word, section or part of this law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

L. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State's office.

4. OPEN TO PUBLIC COMMENT

None

5. MOTION TO CLOSE PUBLIC HEARING

Was made by Pitkin, seconded by Hallenbeck and carried.

• **NEW BUSINESS:**

1. Invasive Species Awareness Committee: Bittersweet Mesick will present at next meeting

• **OLD BUSINESS:**

1. Building Department Software Upgrade
Help streamline the
2. Comprehensive Plan Update
 1. Public Hearing 11/16
 2. Public Comment Period
 3. Town Board Comment

- **PUBLIC COMMENT**

None

- **RESOLUTIONS:**

1. **Resolution#185-2023: To Authorize Tax Cap Filing.**

WHEREAS, the Town of Chatham has the requirement by the New York State Comptroller's Office to file a Tax Cap Calculation submission showing that the 2024 Town of Chatham Budget does not exceed the maximum Tax Cap increase allowance to the New York State Comptroller's Office prior to the adoption of the 2024 Town of Chatham Budget; and

WHEREAS, the Town Supervisor has the responsibility to facilitate and ensure that this filing is completed as required; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Chatham authorize the Town Supervisor to complete all necessary documents and filings to comply with the New York State Comptroller's Tax Cap filing and reporting requirements as related to the 2024 Town Budget and its adoption. .

Offered by: Pitkin, seconded motion: Hallenbeck

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:**

None Resolution.adopted

2. **Resolution#186-23: To Adopt the Preliminary Budget as the 2024 Budget for the Town of Chatham**

WHEREAS, the Tentative Budget for the Year 2024 has been duly presented to the Town Board by the Town Clerk on October 2, 2023, and

WHEREAS, a duly publicized public hearing was held on the 2nd day of November 2023 at 6:30 P.M on the Preliminary Budget prepared by the Town Board; and

WHEREAS, at which time all persons desiring to be heard were heard;

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Section 109 of the Town Law of the State of New York, the Town Board of the Town of Chatham hereby ADOPTS THE PRELIMINARY BUDGET, as amended, altered, and revised, as the Budget for the Town of Chatham, New York for the Year 2024. .

Offered by: Mesick , seconded motion: Hallenbeck

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:**

None Resolution.adopted

Thank you, Tammy!

3. **Resolutionlution#187-23: To Approve renewal of Fire Company Contracts**

WHEREAS, the Town of Chatham previously contracted with the following Fire Departments for the furnishing of Fire Protection in said District for the calendar year 2023, and

WHEREAS, the Town and the Fire Departments wish to enter into a new contract for fire protection services for 2024, with the option to renew the contract on the same terms for 2024, and

WHEREAS, the Town Law requires that a public hearing be held on the issue, now therefore, held on November 2, 2023 and

THEREFORE, BE IT RESOLUTIONLVED, by the Town Board of the Town of Chatham, Columbia County, New York to renew contracts with the following Fire Departments as follows:

- Niverville Fire Department (1-yr contract) 2024: \$ 33,461.00
- Tri-Village Fire Company (1-yr contract) 2024: \$ 218,200.00
- Red Rock (3-yr / 2024-2026) 2024: \$ 17,542.00 / 2025: \$1000 increase/ 2026:\$1,000 increase

Offered by: Pitkin, seconded motion: Werwaiss

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution.adopted

4. **Resolutionlution#188-23: To Approve 2024 Chargeback for Rescue Squads**

WHEREAS, the Town Board of the Town of Chatham has determined that the County Treasurer shall charge back the amount specified herein to the real property taxpayers of said Town responsible for such expenditure; and

NOW, THEREFORE, BE IT RESOLUTIONLVED, the parties agree as follows: That the Town hereby requests that the Treasurer of the County of Columbia charge the appropriate real property taxpayers within the Town the sum of \$ 212,812.00 on the proportionate basis of real property tax assessments within the Town; and the Town hereby requests that the Treasurer of the County of Columbia upon collection of said amounts, pay as directed, the Following:

- Chatham Rescue Squad: \$ 173,797.00
- Valatie Rescue Squad: \$ 39,015.00

Offered by: Mesick, seconded motion: Pitkin

Collins thanked his fellow Supervisors for working together on this (Supervisors LaGonia, Adams, Houghtaling) keeping Chatham from carrying the bulk.

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution.adopted

5. **Resolution#189-23: To Approve Adoption of Local Law G: Short Term Rental Law**

WHEREAS, the Chatham Town Board is considering Local Law G of 2023 Authorizing a Short Term Rental Law, and

WHEREAS, a public hearing has been held November 2, 2023 at 6:35 PM for the enactment of said local law, and

NOW, THEREFORE, BE IT RESOLUTIONLVED, that the Town Board of the Town of Chatham hereby approves the adoption of proposed Local Law G entitled Local Law G: Short Term Rental of the year 2023, a local law to Authorize a Short-Term Rental Law.

Offered by: Mesick, seconded motion: Pitkin
Pitkin-when will the clock start ticking? 120 days from filing.
Hallenbeck-voting in favor to keep things moving forward
Werwaiss-will be interested to see compliance.

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution.adopted

6. **Resolution#190-23: To Authorize the Purchase of Muncity Software Upgrade for the Building Department**

WHEREAS, the Building Department has seen a significant increase in the volume of applications in the COVID19 era, and

WHEREAS, applicants to the Building Department often cause congestion and lack of social distancing within said office, and

WHEREAS, enhanced software toolkits are available for the Muncity software program that the Building Department utilizes for streamlined inspection, licensing and permit application management, and

WHEREAS, these software toolkits will also provide for limited remote access for applicants to submit portions of their permit materials digitally without the need to be physically present in Town Hall offices, and

WHEREAS, the spirit of the American Rescue Plan Act allocation to local government units was to provide for increased public health and safety as well as the provision of government services, and

WHEREAS, the Town Board wishes to fund this upgrade with an allocation from the American Rescue Plan Act, and

NOW, THEREFORE, BE IT RESOLUTIONLVED, the Town Board authorizes the purchase of an upgraded Muncity software package for the Building Department in the amount not to exceed \$25,000, and

BE IT FURTHER RESOLUTIONLVED, funding will be transferred from American Rescue Funds Account (A688) to Federal Aid Revenue Account (A4089) to Code Enforcement Equipment & Capital Outlay Expense Account (B3620.2).

Offered by: Hallenbeck, seconded motion: Werwaiss

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:**

None Resolution.adopted

7. **Resolutionlution#191-23: To Accept the Financial Abstract as presented to pay the Town Bills.**

WHEREAS, the Chatham Town Board accepts the Financial Abstract #11 as presented to pay the Town Bills.

Offered by: Mesick, seconded motion: Hallenbeck

VOTE:

AYE: Collins, Pitkin, Mesick, Hallenbeck, Werwaiss **NAY:** None Resolution.adopted

- **PUBLIC COMMENT**

Bobseine-this Board has talked a lot about how important communication is and how much you reach out to the community and she suggests in the future (Bobseine believes it was not done in this case) that public hearing notices be published on the announcement page on the website.

- **EXECUTIVE SESSION:**

Pursuant to Public Officers Law section §105

(4) Discussion relating to proposed, pending or current litigation

MOTION to enter exec. session at 7PM made by Collins, second by Hallenbeck. Motion carried

MOTION to leave exec. session at 7:15PM made by Collins, second by Hallenbeck. Motion carried.

MOTION to Close the meeting at 7:16PM was made by Hallenbeck seconded by Werwaiss. Motion carried_

Respectfully submitted by,

Beth Anne Rippel, Town Clerk